

MONDAY, MAY 5, 1997

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Larry Moore, Faith Lutheran Church, Lebanon, Tennessee.

Representative Bone led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

PERSONAL ORDERS

Rep. Williams moved that House Bill(s) No(s). 1979, 1980 and 1981 be removed from the Consent Calendar and re-referred to the Clerk's Desk, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 183: Rep(s). Chumney as prime sponsor(s).

House Bill No. 264: Rep(s). Hood as prime sponsor(s).

House Bill No. 357: Rep(s). Eckles as prime sponsor(s).

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House Bill No. 622: Rep(s). Cooper as prime sponsor(s).

House Bill No. 757: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 758: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 799: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 1100: Rep(s). Chumney, Cooper and Kernell as prime sponsor(s).

House Bill No. 1251: Rep(s). Rhinehart, Rinks, Walley and Newton as prime sponsor(s).

House Bill No. 1634: Rep(s). Cooper and Brown as prime sponsor(s).

House Bill No. 1906: Rep(s). Ford and Phelan as prime sponsor(s).

**SIGNED
May 2, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 51 and 253.

**MESSAGE FROM THE GOVERNOR
May 2, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 189, 190, 193, 195, 197, 198, 200, 201, 202, 204, 212 and 216, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
May 2, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 225 and 236, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE
May 5, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 629, 702, 1561 and 1635; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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***Senate Bill No. 629** -- Insurance, Health, Accident - Requires disclosure to patients by health care providers of financial contracts and arrangements between provider and health care plan, including reporting bonuses or other incentives to reward provider for reducing or limiting range and amount of services rendered. Amends TCA Title 56; Title 63; Title 68 and Title 71. by *Person.

***Senate Bill No. 702** -- Motor Vehicles, Titling and Registration - Requires registration plates to specify county of issue or county of residence of vehicle owner. Amends TCA Title 4; Title 55, Chapters 3 and 4. by *McNally.

***Senate Bill No. 1561** -- District Attorneys - Revises quantity of funded positions in several judicial districts. Amends TCA Section 16-2-506. by *Crutchfield, *McNally, *Rochelle.

***Senate Bill No. 1635** -- Sports - Permits mayor rather than council to appoint sports authority members in certain municipalities; establishes sales tax allocation for AA or higher baseball affiliate to finance project of sports authority Amends TCA Title 7, Chapter 67 and Section 67-6-103. by *Carter.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 141, 182, 197, 201, 202, 213, 215, 218, 220 and 221; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 141** -- General Assembly, Studies - Creates special joint committee to study harmful effects of sinkholes. by *McNally, *Davis L, *Rochelle, *Springer.

***Senate Joint Resolution No. 182** -- Highway Signs - "Veterans Memorial Bridge," Washington Ave. (S.R. 35) viaduct in Maryville, Blount County. by *Koella.

***Senate Joint Resolution No. 197** -- General Assembly, Confirmation of Appointment - John Mark Hayes, State Forestry Commission. by *Burks.

***Senate Joint Resolution No. 201** -- General Assembly, Confirmation of Appointment - Michael D. Martin, State Forestry Commission. by *Wilder.

***Senate Joint Resolution No. 202** -- General Assembly, Confirmation of Appointment - J.W. "Jim" Carpenter, Tennessee Forestry Commission. by *Wilder.

Senate Joint Resolution No. 213 -- Memorials, Death - Elma Collier. by *Cooper.

Senate Joint Resolution No. 215 -- Memorials, Professional Achievement - Hannah Hughes Hall, Tennessee Teachers' Hall of Fame. by *Burks, *Womack.

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Senate Joint Resolution No. 218 -- Memorials, Professional Achievement - Wallace Johnston, Jr., Tennessee Tree Farmer of the Year. by *Kyle, *Dixon, *Cohen, *Leatherwood, *Person.

Senate Joint Resolution No. 220 -- Memorials, Recognition and Thanks - Mighty Eighth Air Force Heritage Museum. by *Crowe, *Womack.

Senate Joint Resolution No. 221 -- Memorials, Public Service - Will T. Cheek, former Chairman of Tennessee Democratic Party. by *Haynes, *Henry, *Rochelle, *Womack, *Dixon, *Harper, *Herron, *Cohen.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 7, 1997:

House Resolution No. 73 -- Memorials, Professional Achievement - Jim Gray. by *Phillips, *Fowlkes, *Stamps, *White.

House Joint Resolution No. 241 -- Memorials, Academic Achievement - Cookeville High School Varsity Academic Bowl Team, 1996-1997 Tennessee High School State Academic Champions. by *Hargrove.

House Joint Resolution No. 243 -- Memorials, Interns - Mark Honeycutt. by *Phillips, *Fitzhugh, *Miller L.

House Joint Resolution No. 245 -- Memorials, Interns - Shannon David Russell. by *Phillips, *Miller L, *Fitzhugh.

House Joint Resolution No. 246 -- Memorials, Death - Charles Edward Qualls. by *Arriola.

House Joint Resolution No. 247 -- Memorials, Professional Achievement - Susan King, Polk County Teacher of the Year. by *Newton.

House Joint Resolution No. 249 -- Memorials, Recognition and Thanks - Alpha Upsilon Chapter, Alpha Gamma Rho Fraternity. by *Maddox, *Caldwell, *Bone.

House Joint Resolution No. 250 -- Memorials, Death - Elmore "Scoop" Hudgins, Southeastern Conference and Vanderbilt University Sports Information Director. by *West, *Jones, S., *Boner, *Odom, *Langster, *Pruitt, *Bone.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 7, 1997:

Senate Joint Resolution No. 213 -- Memorials, Death - Elma Collier. by *Cooper.

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Senate Joint Resolution No. 215 -- Memorials, Professional Achievement - Hannah Hughes Hall, Tennessee Teachers' Hall of Fame. by *Burks, *Womack.

Senate Joint Resolution No. 218 -- Memorials, Professional Achievement - Wallace Johnston, Jr., Tennessee Tree Farmer of the Year. by *Kyle, *Dixon, *Cohen, *Leatherwood, *Person.

Senate Joint Resolution No. 220 -- Memorials, Recognition and Thanks - Mighty Eighth Air Force Heritage Museum. by *Crowe, *Womack.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1994 -- Manchester - Subject to local approval, revises charter. Amends Chapter 273 of the Private Acts of 1959, as amended. by *Lewis.

House Bill No. 1995 -- Taxes, Real Property - Deems residential real property to have no value if occupied by owner as primary residence and located in clear zone or buy-out area established in connection with Shelby County Airport Noise Compatibility Program; makes retroactive to date program established. Amends TCA Title 67, Chapter 5, Part 6. by *Bowers.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 291** -- Health - Enacts "Tennessee HIV Pregnancy Screening Act.". by *Harper. (HB412)

***Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by *Haynes. (HB1783)

***Senate Bill No. 431** -- Taxes, Inheritance Gift - Authorizes residuary beneficiaries of estate and beneficiaries of trust to inspect tax return of such estate or trust. Amends TCA Title 67. by *Fowler. (HB432)

***Senate Bill No. 566** -- Insurance Companies, Agents, Brokers - Clarifies that financing or refinancing transactions do not require notification of title insurance availability. Amends TCA Title 56, Chapter 35. by *Wilder, *Atchley, *Koella, *Haynes, *Womack, *Rochelle, *Henry, *Gilbert. (HB1053)

***Senate Bill No. 594** -- Crime, Victims of - Includes terrorism abroad as compensable criminal injury; limits one convicted of federal offense from receiving award under Criminal Injuries Compensation Act. Amends TCA Section 29-13-104; Section 29-13-105 and Section 29-13-109(d). by *Kyle, *Haynes, *Burks. (HB787)

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***Senate Bill No. 596** -- Banks and Financial Institutions - Expands local government regulatory authority over pawnbrokers. Amends TCA Title 45, Chapter 6. by *Kyle, *Dixon. (HB1152)

***Senate Bill No. 998** -- DUI/DWI Offenses - Clarifies that subsequent violations of DUI law within ten years are to be considered when determining whether offender is multiple offender. Amends TCA Title 55, Chapter 10, Part 4. by *Fowler, *Crowe, *Person, *Ramsey, *Williams. (HB754)

Senate Bill No. 1688 -- Health - Requires testing of newborns for streptococcus B prior to discharge from hospital or as determined by rule of commissioner of health; prohibits health insurance policies from excluding coverage for this service. Amends TCA Title 56 and Title 68. by *Gilbert. (*HB1364)

Senate Bill No. 1936 -- Surplus Property - Rewrites surplus property disposition procedures; increases certain monetary limits for fair market values, annual rentals and minimum bonding amounts regarding administration and disposition of state property. Amends TCA Section 4-15-102(f)(2); Section 12-4-201 and Title 12, Chapter 2. Repeals TCA Section 29-17-1203. by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe. (*HB1803)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1990 -- Ashland City -- Local Bill Held on House Desk

House Bill No. 1991 -- Kingston Springs -- Local Bill Held on House Desk

House Bill No. 1992 -- Pegram -- Local Bill Held on House Desk

House Bill No. 1993 -- Weakley County -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 183** -- Sunset Laws - Massage licensure board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 18. by *Kernell, *Garrett, *Brooks. (SB87 by *Springer)

On motion, House Bill No. 183 was made to conform with **Senate Bill No. 87**; the Senate Bill was substituted for the House Bill.

House Bill No. 434 -- Business Organizations - Requires limited partners to withdraw from partnership in accordance with partnership agreement. Amends TCA Title 61. by *Fowlkes. (*SB428 by *Fowler)

On motion, House Bill No. 434 was made to conform with **Senate Bill No. 428**; the Senate Bill was substituted for the House Bill.

***House Bill No. 628** -- Taxes, Real Property - Applies present use valuation under homebelt law to counties having metropolitan government for owners who have occupied residential property for 25 or more years which is zoned for commercial use; expands application to persons to whom current owner is lineal descendant. Amends TCA Section 67-5-601. by *Garrett, *Halteman Harwell, *Pruitt. (SB1588 by *Henry)

On motion, House Bill No. 628 was made to conform with **Senate Bill No. 1588**; the Senate Bill was substituted for the House Bill.

***House Bill No. 686** -- Insurance, Motor Vehicles - Considers foreign exchange student in same way as natural child under adult's motor vehicle insurance coverage Amends TCA Title 56. by *Rhinehart. (SB1095 by *Rochelle)

On motion, House Bill No. 686 was made to conform with **Senate Bill No. 1095**; the Senate Bill was substituted for the House Bill.

House Bill No. 757 -- Sexual Offenses - Requires probationer or parolee convicted of certain sexual offenses applying for transfer of supervision to this state under interstate compact for parole and probation supervision to provide TBI with biological specimen for DNA analysis prior to approval of application Amends TCA Title 40, Chapter 28. by *Jackson. (*SB1369 by *Rochelle)

House Bill No. 758 -- Pardons and Paroles - Defines "family" for purposes of Tennessee being receiving state under interstate compact for out-of-state parole and probation supervision; requires family member with whom probationer or parolee to reside to be resident of Tennessee for three years; requires probationer or parolee to reside with family member at least one year; requires application of transfer of supervision to this state be denied if probationer or parolee residing in this state prior to approval of application by this state. Amends TCA Title 40, Chapter 28. by *Jackson. (*SB1368 by *Rochelle)

House Bill No. 799 -- Sexual Offenses - Requires person who is accessory before or after fact to or who facilitates commission of named sexual offense to register under Sexual Offender Registration and Monitoring Act. Amends TCA Title 40, Chapter 39, Part 1. by *Jackson, *Stamps, *Godsey, *Goins, *Mumpower. (*SB1465 by *Rochelle)

House Bill No. 1100 -- Highway Signs - "Jesse Turner, Sr. Memorial Bridge," Elvis Presley Boulevard (U.S. 51), Memphis. by *DeBerry L, *Bowers, *Turner (Shelby), *DeBerry J, *Jones U (Shelby). (*SB424 by *Dixon, *Cohen)

On motion, House Bill No. 1100 was made to conform with **Senate Bill No. 424**; the Senate Bill was substituted for the House Bill.

House Bill No. 1218 -- Professions and Occupations - Requires licensing entities for attorneys, dentists, doctors, accountants, speech pathologists, optometrists and audiologists to create inactive license category which authorizes such persons to perform charitable services without compensation to 501(c)(3) organizations Amends TCA Title 23; Title 62; Title 63 and Title 67. by *McDaniel. (*SB183 by *Fowler)

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***House Bill No. 1243** -- Taxes, Franchise - Extends business franchise tax job tax credit for each net new full time employee job through January 1, 2008. Amends TCA Section 67-4-908(c). by *Kisber, *Walley, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Godsey, *Goins, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1663 by *Miller J, *Williams, *Elsea, *McNally, *Atchley, *Person, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler)

On motion, House Bill No. 1243 was made to conform with **Senate Bill No. 1663**; the Senate Bill was substituted for the House Bill.

House Bill No. 1337 -- State Prisoners - Mandates that calculation of sentence reduction credits be same for all state inmates whether held by state or private correctional corporation that contracts with state. Amends TCA Section 41-21-236. by *Boner, *Jones, S., *Odom. (*SB489 by *Haynes)

House Bill No. 1445 -- Workers' Compensation - Authorizes courts to award additional attorney's fees in workers' compensation cases if necessary to enforce medical expenses which were part of settlement or judgment. Amends TCA Title 50, Chapter 6, Part 2. by *Buck. (*SB443 by *Haynes)

On motion, House Bill No. 1445 was made to conform with **Senate Bill No. 443**; the Senate Bill was substituted for the House Bill.

House Bill No. 1505 -- Dentists - Prohibits individuals, schools or educational programs from offering certification in specialty or branch of dentistry not recognized by board of dentistry. Amends TCA Section 63-5-113. by *Odom. (*SB642 by *Person)

House Bill No. 1523 -- Teachers - Requires director of schools instead of board of education to hire substitute teachers and local board only pays them. Amends TCA Section 49-5-709. by *Hood. (*SB1560 by *Crutchfield)

House Bill No. 1634 -- Election Laws - Adds public high schools to the list of public offices and facilities serving as voter registration agencies. Amends TCA Section 2-2-202 and Section 2-2-205. by *Armstrong, *Miller L, *Towns, *Turner (Shelby), *Jones U (Shelby), *DeBerry J, *Bowers, *DeBerry L. (*SB1625 by *Harper)

***House Bill No. 1652** -- Surplus Property - Authorizes nonprofit federally financed rural electric cooperatives to purchase surplus government property. Amends TCA Section 12-2-403. by *Rinks. (SB1888 by *Wilder)

House Bill No. 1721 -- Education, Higher - Revises procedures on grievance hearings for higher education employees. Amends TCA Section 49-8-117. by *McMillan, *Armstrong, *Ridgeway, *Langster, *Head, *Rinks, *Eckles, *West, *Phelan. (*SB1198 by *Burks)

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***House Bill No. 1740** -- Litter Control - Establishes mandatory minimum fines for litter violations and reward program from proceeds of fine Amends TCA Title 4, Chapter 7, Part 3; Title 39, Chapter 14, Part 5; Title 69, Chapter 10, Part 2 and Title 71, Chapter 3, Part 5. by *Head. (SB1908 by *Burks)

House Bill No. 1769 -- Corporations - Removes limit of five assumed names that corporation may use. Amends TCA Title 48, Chapter 14. by *Curtiss. (*SB1754 by *Kyle)

On motion, House Bill No. 1769 was made to conform with **Senate Bill No. 1754**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1932** -- Divorce and Annulment - Permits either party in divorce action to designate agent for service of process in lieu of using such party's mailing address; allows court to order such party to reveal residential address if necessary for other party to prove or defend allegations in complaint Amends TCA Title 36, Chapter 4. by *Chumney. (SB1921 by *Graves)

House Bill No. 1940 -- Centerville - Subject to local approval, revises charter Amends Chapter 482 of the Private Acts of 1911. by *Jackson. (SB1948 by *Springer)

On motion, House Bill No. 1940 was made to conform with **Senate Bill No. 1948**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1961** -- Utilities, Utility Districts - Requires certain members of the board of commissioners for the Bedford utility district to be high school graduates; allows current board members to fill vacancy by acclamation, (rather than by vote of customers), if only one person nominated to fill vacancy. Amends TCA Section 7-82-307. by *Phillips. (SB1967 by *Womack)

House Bill No. 1987 -- Hickman County - Subject to local approval, deletes provision requiring landowner to maintain but not interfere with free flow of water in ditches along roadway at landowner's expense to permit Highway department to maintain practice of placing chert and installing side drains on rights-of-way when necessary and requested. Amends Chapter 38 of the Private Acts of 1947. by *Jackson. (SB1979 by *Springer)

House Bill No. 1988 -- Chester County - Subject to local approval, authorizes hotel/motel tax. by *Walley.

House Bill No. 1989 -- Obion - Subject to local approval, enacts new charter. - Repeals Chapter 22, Private Acts of 1971, as amended. by *Pinion. (SB1999 by *Herron)

House Resolution No. 72 -- Naming and Designating - "National Teachers' Day," May 6, 1997. by *Davidson.

***House Joint Resolution No. 169** -- Highway Signs - Blue Star Memorial Highway, S.R. 14. by *Haley, *Pleasant.

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House Joint Resolution No. 239 -- Memorials, Sports - 1996-1997 Hardin County girls' basketball team, TSSAA state tournament participants. by *Rinks.

Senate Joint Resolution No. 153 -- Naming and Designating - Hepatitis Awareness Month, May. by *Miller J.

Senate Joint Resolution No. 203 -- Memorials, Retirement - Sergeant Stuart Venable. by *Springer.

Senate Joint Resolution No. 204 -- Memorials, Sports - 1996-1997 Cleveland High School boys' basketball team, TSSAA Class AAA state champions. by *Miller J.

Senate Joint Resolution No. 205 -- Memorials, Public Service - Robert I. Sharp, Rotary Citizen of the Year. by *McNally.

Senate Joint Resolution No. 207 -- Memorials, Death - Dorothy Atwood Triplett. by *Crowe.

Senate Joint Resolution No. 208 -- Memorials, Professional Achievement - Dr. Carl Gerber. by *Crowe, *Ramsey.

Senate Joint Resolution No. 210 -- Memorials, Public Service - Billy Portis. by *Herron.

Senate Joint Resolution No. 211 -- Memorials, Death - Ed Schoenberger, Chief Ranger for Tennessee State Parks. by *Henry, *Jordan.

Senate Joint Resolution No. 212 -- Memorials, Retirement - E.W. "Bud" Wendell, President and CEO of Gaylord Entertainment Company. by *Henry, *Jordan, *Harper, *Haynes, *Kyle.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 757: by Rep. Jackson

House Bill No. 758: by Rep. Jackson

House Bill No. 799: by Rep. Jackson

House Bill No. 1505: by Rep. Kernell

On previous motion, House Bill(s) No(s). 1979, 1980 and 1981 were removed from the Consent Calendar and re-referred to the Clerk's Desk.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final

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consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 433** -- Surveyors - Sets licensing requirements for land surveyors beginning July 1, 2003. Amends TCA Section 62-18-109. by *Haynes. (HB1736 by *Garrett)

Further consideration of Senate Bill No. 433, previously considered on April 28, 1997, at which time the Senate Bill was substituted for the House Bill and Amendment No. 1 was withdrawn, and reset to today's Calendar.

Rep. Garrett moved that Senate Bill No. 433 be passed on third and final consideration.

Rep. Lewis moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 433 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

40,200
13,100

nor more than:

40,500
13,370

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On motion, Amendment No. 2 was adopted.

Rep. West moved the previous question, which motion prevailed.

Rep. Garrett moved that **Senate Bill No. 433**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 90
Noes 6

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Ferguson, Fowlkes, Haley, Lewis, Pleasant, Windle -- 6.

A motion to reconsider was tabled.

House Bill No. 200 -- Capitol - Requires state capitol commission to develop and implement policy on additions and improvements to Bicentennial Mall. by *Kisber. (*SB43 by *Henry)

On motion, House Bill No. 200 was made to conform with **Senate Bill No. 43**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 43 be passed on third and final consideration.

Rep. Kisber requested that Senate Bill No. 43 be moved down 3 places on the Calendar.

House Bill No. 868 -- Public Funds and Financing - Expands powers and membership of collateral pool board; requires state funding board to investigate and implement intermediate term investment fund. Amends TCA Section 6-56-110; Section 8-5-110; Section 9-4-103; Section 9-4-107; Section 9-4-703. by *Kisber. (*SB504 by *Henry)

On motion, House Bill No. 868 was made to conform with **Senate Bill No. 504**; the Senate Bill was substituted for the House Bill.

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Rep. Kisber moved that Senate Bill No. 504 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 504** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Fitzhugh -- 1.

A motion to reconsider was tabled.

House Bill No. 1920 -- Charitable Solicitations - Makes certain changes relative to charitable solicitations. Amends TCA Title 48, Chapter 101, Part 5. by *Kisber. (*SB1845 by *Ramsey, *Crutchfield)

On motion, House Bill No. 1920 was made to conform with **Senate Bill No. 1845**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1845 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 1845** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1462 -- Taxes, Real Property - Requires presentation of valid original paid tax receipt or other written documentation of overpayment in taxes before refund will be paid to taxpayer or taxpayer's agent. Amends TCA Section 67-5-1512(b)(2)(B). by *Jones U (Shelby), *Kent, *Turner (Shelby). (*SB647 by *Person)

On motion, House Bill No. 1462 was made to conform with **Senate Bill No. 647**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 647 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. U. Jones moved that **Senate Bill No. 647** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***Senate Bill No. 43** -- Capitol - Requires state capitol commission to develop and implement policy on additions and improvements to Bicentennial Mall. by *Henry. (HB200 by *Kisber)

Further consideration of Senate Bill No. 43, previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 43 be passed on third and final consideration.

Rep. Cross requested that Conservation & Environment Amendment No. 1 be moved to the heel of the Amendments.

Rep. Hargrove moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Hargrove moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 43 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-8-302, is amended by deleting the word "and" at the end of subdivision (a)(3), changing the period at the end of subdivision (a)(4) to the word and punctuation "and;" and adding the following:

(5) To establish a policy relative to historical commemorative additions and improvements on the Bicentennial Mall, such as statues and monuments, and to approve such historical commemorative additions and improvements as may come with such policy; provided, however, all other aspects of the administration of the Bicentennial Mall shall remain within the control and jurisdiction of the department of environment and conservation.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion, Rep. Cross withdrew Conservation & Environment Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 43**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1001 -- Lobbying, Lobbyists - Deletes requirement that lobbying reports be sworn report; extends period for filing supplementary report from January 10 to January 31; extends filing date for registering with registry of election finance from five to ten days after becoming lobbyist. Amends TCA Section 3-6-105; Section 3-6-106; Section 3-6-107 and Section 3-6-104. by *Rinks. (*SB340 by *Haynes)

On motion, House Bill No. 1001 was made to conform with **Senate Bill No. 340**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 340 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 340 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 3-6-104, is amended by adding the following language as a new subsection (f):

(f) Registration may also be accomplished by paying the required fee and providing a facsimile copy of a completed registration form required by the registry of election finance.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **Senate Bill No. 340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 55** -- DUI/DWI Offenses - Permits court to order issuance of restricted driver license to person for first time arrest or conviction of driving while impaired. Amends TCA Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5. by *Curtiss, *Patton, *Ford S, *Whitson, *Cole (Carter), *Tidwell. (SB69 by *Cooper)

Rep. Curtiss moved that House Bill No. 55 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1345 -- Courts, General Sessions - Makes method of election for judges with respect to partisanship consistent for all divisions of court for county Amends TCA Title 16, Chapter 15. by *Stulce, *Rinks, *Brown. (*SB1479 by *Crutchfield)

Rep. Stulce moved that House Bill No. 1345 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1345 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-202 is amended by designating the current language as subsection (a) and by adding the following new subsection:

(b) Notwithstanding the provisions of Tennessee Code Annotated, Section 2-13-203, or any other provisions of a private act or general law to the contrary, in any county with more than one judge of the court of general sessions, and the most recent of private acts creating the judgeships provide for the non-partisan election of the additional judges, then at subsequent regular August elections all judges of such court shall be elected on a non-partisan basis.

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SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Arriola moved the previous question, which motion prevailed.

Rep. Stulce moved that **House Bill No. 1345**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	71
Noes	12
Present and not voting.....	8

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Rinks, Ritchie, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Clabough, Halteman-Harwell, McAfee, McDaniel, Sharp, Stamps, Walley, Wood -- 12.

Representatives present and not voting were: Godsey, Goins, Haley, Mumpower, Pleasant, Ridgeway, Walker, Westmoreland -- 8.

A motion to reconsider was tabled.

***House Bill No. 1906** -- Basic Education Program (BEP) - Allows use of portion of BEP non-class component capital outlay funds for funding of school bonds. Amends TCA Section 49-3-1005. by *Caldwell, *Cross. (SB1884 by *McNally)

On motion, House Bill No. 1906 was made to conform with **Senate Bill No. 1884**; the Senate Bill was substituted for the House Bill.

Rep. Caldwell moved that Senate Bill No. 1884 be passed on third and final consideration

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2.

Rep. Caldwell moved that **Senate Bill No. 1884** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Gunnels -- 1.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 84** -- Memorials, Congress - Urges use of any surplus funds earmarked for economic development in Ocoee region to be used in Polk County and Ocoee region in Tennessee. by *Newton.

Rep. Newton moved that House Joint Resolution No. 84 be adopted.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 84 by deleting the language "Ocoee Region Canoe and Kayak Association" in the second resolving clause and by substituting instead the language "Ocoee Region Canoe and Kayak Association, Cooper Basin Chamber of Commerce".

On motion, Amendment No. 1 was adopted.

Rep. Newton moved that **House Joint Resolution No. 84**, as amended, be adopted, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Resolution No. 19** -- General Assembly, Studies - Continues special committee established by HR 162 to examine the usage and effects of drug Ritalin and other amphetamines. by *Brown.

Rep. Brown moved that House Resolution No. 19 be adopted.

Rep. Hargrove moved adoption of Calendar & Rules Study Resolution Sub-Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 19 by deleting the first, second and third resolving clauses of the printed resolution in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the Special Committee created by House Resolution No. 162 of the 99th General Assembly to examine the usage and effects of the drug ritalin and other amphetamines, is hereby continued for a period of one (1) year as a legislative committee.

BE IT FURTHER RESOLVED, That the Special Committee shall be composed of the five (5) members of the House of Representatives who were appointed in accordance with House Resolution No. 162 of the 99th General Assembly; provided, however, such legislative members of the committee shall be duly elected members of the 100th General Assembly in order to retain their membership on such committee.

BE IT FURTHER RESOLVED, That vacancies on the Special Committee shall be filled by the Speaker of the House of Representatives.

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BE IT FURTHER RESOLVED, That the Special Committee shall be convened by the primary sponsor of House Resolution No. 162 of the 99th General Assembly.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved that **House Resolution No. 19**, as amended, be adopted, which motion prevailed.

***House Bill No. 1264** -- Water - Enacts "Drinking Water Revolving Loan Fund Act of 1997." Amends TCA Title 68, Chapter 221, Part 10. by *McAfee, *Wood, *Mumpower, *Patton, *Clabough, *Ford S, *Davis R, *Boyer, *Kerr, *Newton, *McKee, *Godsey, *Walker, *Pleasant, *Goins, *Roach, *Stamps, *Halteman Harwell, *Beavers, *Sargent, *McDaniel, *Walley, *Kent, *Scroggs, *Haley, *Hargett, *Bird, *Bittle. (SB1671 by *Gilbert, *Williams, *Elsa, *McNally, *Atchley, *Person, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler)

Rep. McAfee moved that House Bill No. 1264 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1264 by adding the following as appropriately designated sections immediately before the effective date section and by redesignating the effective date section accordingly:

Section ____ Tennessee Code Annotated, Section 68-221-1008(b), is further amended by adding the following as appropriately designated subsections:

() One (1) member appointed by the governor, who shall represent the municipalities of the state and who has experience with water utilities. The governor shall consult with the president of the Tennessee municipal league to determine a qualified person to fill this post;

() One (1) member appointed by the governor, who shall represent utility districts of the state and who has experience with water utilities. The governor shall consult with the president of the Tennessee Association of Utility Districts to determine a qualified person to fill this post;

Section ____ Notwithstanding any provision of law to the contrary, the utility management review board shall have the authority, in the case of public water systems of utility districts, to investigate, with the assistance of the Department and the Comptroller, and determine the financial,

technical, and managerial capacity of the systems to comply with the requirements of the federal and the state acts; and to require systems to take appropriate action to correct any deficiencies in such areas, including but not limited to changes in ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures. The utility management review board also may approve or disapprove such corrections as a condition for any public water system of a utility district to receive assistance from the authority under Section 7(a)(3) of this act.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND in Section 6(k) by deleting the language "68-1005(g)" and by substituting instead the language "68-221-1005(g)".

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 20:

() The board shall enter into a memorandum of understanding with the utility management review board describing how water systems will be divided between the two boards, which shall be given to the U.S. Environmental Protection Agency as part of the program submittal.

On motion, Amendment No. 1 was adopted.

Rep. Brooks moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1264 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 2 was adopted.

Rep. McAfee moved that **House Bill No. 1264**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1251** -- Parks, Natural Areas Preservation - Incorporates additional lands into designated natural areas. Amends TCA Section 11-14-108. by *McAfee, *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Halteman Harwell, *Walker, *Boyer, *Mumpower, *Roach, *Cole (Carter). (I by *Gilbert, *Williams, *Elsa, *McNally, *Atchley, *Person, *Jordan, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J)

On motion, House Bill No. 1251 was made to conform with **Senate Bill No. 1674**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that Senate Bill No. 1674 be passed on third and final consideration.

On motion, Rep. Cross withdrew Conservation & Environment Committee Amendment No. 1.

Rep. McAfee moved that **Senate Bill No. 1674** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 357** -- Insurance, Health, Accident - Requires written confirmation of verbal authorization for health care services by quickest means possible, including facsimile transmissions where health care provider, insured or enrollee has access to fax machine. Amends TCA Title 56. by *White. (SB331 by *Springer)

On motion, House Bill No. 357 was made to conform with **Senate Bill No. 331**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 331 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. White moved that **Senate Bill No. 331** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1592 -- Recycling - Redefines "recycling"; provides that no solid waste management funds will be expended to purchase mechanical processing equipment unless such equipment is indispensable component of eligible grant project. Amends TCA Sections 68-211-802(a)(16) and 68-211-825(a). by *Kernell. (*SB1620 by *Leatherwood, *Crutchfield, *Fowler)

On motion, House Bill No. 1592 was made to conform with **Senate Bill No. 1620**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1620 be passed on third and final consideration.

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On motion, Rep. Armstrong withdrew State & Local Government Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 1620** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

House Bill No. 902 -- Criminal Offenses - Makes possession of tobacco product by minor Class C misdemeanor. Amends TCA Section 39-17-1505. by *Fitzhugh. (*SB360 by *Cooper)

Rep. Fitzhugh moved that House Bill No. 902 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 2 as House Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 902 by deleting the language after the enacting clause in its entirety and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 39-17-1505, is amended by adding the following language as a new subsection (b) and by redesignating the present subsection (b) as subsection (c):

(b) It is an offense for a person less than eighteen (18) years of age to possess a tobacco product in or upon the premises of a public or private school, grades K-12, during regular school hours;

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provided, however, the provisions of this subsection shall not apply to tobacco or tobacco products possessed by a minor on school premises for a bona fide educational or instructional purpose previously approved by the school's administration.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Fitzhugh moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 902 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. No student shall be subject to suspension or expulsion under any "zero tolerance" policy adopted by a local education agency for possession of a tobacco product

Rep. Kerr moved the previous question, which motion failed.

Rep. Fitzhugh requested that House Bill No. 902 be moved to the heel of the Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 264 -- Purchasing - Permits local governments to make purchases of goods and services through federal GSA or other applicable federal open purchase contracts, to extent permitted by federal law. Amends TCA Title 12, Chapter 3, Part 10. by *Eckles. (*SB165 by *Womack, *Dixon)

Further consideration of House Bill No. 264, previously considered on May 1, 1997, and reset to today's Calendar.

On motion, House Bill No. 264 was made to conform with **Senate Bill No. 165**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 165 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

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Rep. Eckles moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 165 by inserting in the amendatory language of Section 1 of the printed bill the language ", except motor vehicles," between the word "goods" and the word "or".

On motion, Amendment No. 2 was adopted.

Rep. Eckles moved that **Senate Bill No. 165**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 665 -- Contractors - Requires licensure of home inspection contractors and to pay fee set by board. Amends TCA Title 62, Chapter 6. by *Bowers. (*SB872 by *Haun)

Further Consideration of House Bill No. 665, previously considered on April 30, 1997, and May 1, 1997, at which time the House adopted Amendment(s) No(s). 2, 8, 9, 10, 11, 12, 13 and 14, and reset to today's Calendar.

Rep. Bowers moved that House Bill No. 665, as amended, be passed on third and final consideration.

Rep. Fraley moved adoption of Amendment No. 15 as follows:

Amendment No. 15

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

4,700
24,600
34,500

4,750
24,900
34,730.

On motion, Amendment No. 15 was adopted.

Rep. Ridgeway moved adoption of Amendment No. 16 as follows:

Amendment No. 16

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

7,000
9,475
27,800

7,075
9,600
28,000

On motion, Amendment No. 16 was adopted.

Rep. Kerr requested that Amendment No. 17 be moved to the heel of the Amendments.

Rep. McDaniel moved adoption of Amendment No. 18 as follows:

Amendment No. 18

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

21,800

22,100

On motion, Amendment No. 18 was adopted.

Rep. Givens moved adoption of Amendment No. 19 as follows:

Amendment No. 19

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,950
44,500	45,000
10,471	10,800
22,200	22,500
22,600	23,000

On motion, Amendment No. 19 was adopted.

Rep. Jackson moved adoption of Amendment No. 20 as follows:

Amendment No. 20

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
16,700	16,950
35,050	35,070

On motion, Amendment No. 20 was adopted.

Rep. Kerr moved that Amendment No. 17 be withdrawn, which motion prevailed.

Rep. Walley moved adoption of Amendment No. 21 as follows:

Amendment No. 21

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

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<u>not less than</u>	<u>nor more than</u>
9,000	9,250
13,925	14,000
35,300	35,500
54,600	55,000
25,300	25,600
37,500	37,800
35,075	35,200
68,100	68,400
12,700	13,000
23,300	23,400
25,300	25,600
4,000	4,600
7,200	7,500
9,275	9,400
15,900	16,200
18,200	18,500

On motion, Amendment No. 21 was adopted.

Rep. Head moved the previous question, which motion failed by the following vote:

Ayes	34
Noes	49
Present and not voting	2

Representatives voting aye were: Armstrong, Bird, Boner, Brooks, Brown, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry L., Fowlkes, Hassell, Head, Hicks, Hood, Huskey, Kent, Kisber, Langster, McAfee, Pruitt, Rhinehart, Ritchie, Robinson, Sands, Scroggs, Stulce, Tindell, Turner (Shelby), Walker, Winningham -- 34.

Representatives voting no were: Arriola, Beavers, Bittle, Bone, Boyer, Buck, Burchett, Caldwell, Clabough, Cross, Dunn, Eckles, Ferguson, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Jones S., Kernell, Kerr, Lewis, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Ridgeway, Roach, Sargent, Sharp, Stamps, Towns, Walley, West, Westmoreland, White, Whitson, Windle, Wood -- 49.

Representatives present and not voting were: Jackson, Jones U. -- 2.

Rep. Maddox moved adoption of Amendment No. 22 as follows:

Amendment No. 22

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
27,500	27,750
31,900	32,200
7,100	7,175
31,500	31,800
46,000	46,500

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than fifty thousand three hundred (50,300) nor more than fifty thousand six hundred (50,600) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 22 was adopted.

Rep. Kernell moved adoption of Amendment No. 23 as follows:

Amendment No. 23

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 23 was adopted.

Rep. Whitson moved adoption of Amendment No. 24 as follows:

Amendment No. 24

AMEND House Bill No. 665 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

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not less than
16,300

nor more than
16,650

Section _____. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand five hundred (51,500) nor more than fifty-one thousand eight hundred (51,800) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 24 was adopted.

Rep. Kemell moved to reconsider action in adopting Amendment No. 23, which motion prevailed.

Rep. Kemell moved to withdraw Amendment No. 23, which motion prevailed.

Rep. Walker moved adoption of Amendment No. 25 as follows:

Amendment No. 25

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
24,100
34,735

nor more than
24,400
34,800

On motion, Amendment No. 25 was adopted.

Rep. Goins moved adoption of Amendment No. 26 as follows:

Amendment No. 26

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
10,100
14,100
14,300
15,900
13,680

nor more than
10,470
14,250
14,450
16,200
13,750

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26,100	26,400
35,075	35,200
19,300	19,600
23,300	23,400
23,450	24,000

On motion, Amendment No. 26 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Bowers moved that **House Bill No. 665**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	55
Noes	26
Present and not voting	14

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bone, Boner, Bowers, Brooks, Brown, Burchett, Chumney, Cole (Dyer), Cooper, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fraley, Godsey, Hassell, Head, Hicks, Hood, Huskey, Jones U., Kent, Kernell, Kisber, Langster, McAfee, McDaniel, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Pruitt, Rinks, Ritchie, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, Williams, Wood, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Bittle, Buck, Clabough, Cross, Curtiss, Ferguson, Fitzhugh, Ford, Fowlkes, Goins, Gunnels, Haley, Halteman-Harwell, Kerr, Lewis, Maddox, McKee, Odom, Phillips, Pinion, Pleasant, Roach, Walker, White, Windle, Winningham -- 26.

Representatives present and not voting were: Boyer, Caldwell, Cole (Carter), Davidson, Garrett, Givens, Hargrove, Jackson, McDonald, Rhinehart, Sharp, Stamps, Turner (Hamilton), Whitson -- 14.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present not voting to no on House Bill No. 665 and have this statement entered in the Journal: Rep(s). Hargett.

REGULAR CALENDAR, CONTINUED

House Bill No. 902 -- Criminal Offenses - Makes possession of tobacco product by minor Class C misdemeanor. Amends TCA Section 39-17-1505. by *Fitzhugh. (*SB360 by *Cooper)

Further consideration of House Bill No. 902, previously considered on today's Calendar, at which time the House adopted Amendment No. 1.

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Rep. Fitzhugh moved that House Bill No. 902 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kerr moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 902 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

85,800

nor more than

86,100

On motion, Amendment No. 3 was adopted.

Rep. Fitzhugh moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 902 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2 as follow:

Section 2. No student shall be subject to expulsion under any "zero tolerance" policy established under Section 49-6-4216 adopted by a local education agency for possession of a tobacco product.

Rep. Givens moved the previous question on Amendment No. 4, which motion prevailed.

On motion, Amendment No. 4 was adopted.

Rep. U. Jones moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 902 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred twenty-five thousand

(825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census.

Rep. Fitzhugh moved that House Bill No(s). 902 be reset for the Regular Calendar on Wednesday, May 7, 1997, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 345** -- Historical Sites - Requires commission to place 18 markers throughout state, not less than six in each grand division, relating to African-American culture and history; marker to describe cultural or historical event significant to area where marker placed. by *Pruitt, *Brooks, *Langster. (SB715 by *Dixon, *Harper)

Senate Amendment No. 5

AMEND House Bill No. 345 by deleting in Section 1 of the printed bill the language "eighteen (18)" and by substituting instead the language "sixteen (16)".

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 345**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. McMillan moved to lift from the table the motion to reconsider Senate Bill No. 529, which motion prevailed.

***Senate Bill No. 529** -- Domestic Violence - Requires valid orders of protection relating to domestic violence issued in another state be given full faith and credit for enforcement purposes by the courts of this state; provides procedure for filing foreign order with court clerk in this state Amends TCA Title 36, Chapter 3, Part 6. by *Burks, *Kurita, *Harper, *Springer, *Carter, *Cohen, *Davis L, *Dixon, *Fowler, *Graves, *Haun, *Haynes,

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*Henry, *Herron, *Kyle, *Miller J, *Person, *Womack. (HB788 by *McMillan, *Eckles, *Chumney, *Turner (Hamilton), *Jones, S., *Pleasant, *Haley, *Hargett)

Rep. McMillan moved to reconsider action in passing Senate Bill No. 529, which motion prevailed.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 529 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

Section _____. (a) Any valid protection order related to abuse, domestic abuse, or domestic or family violence, issued by a court of another state, tribe, or territory shall be afforded full faith and credit by the courts of this state and enforced as if it were issued in this state.

(b)(1) A protection order issued by a state, tribal or territorial court related to abuse, domestic abuse or domestic or family violence shall be deemed valid if the issuing court has jurisdiction over the parties and matter under the law of the issuing state, tribe or territory. There shall be a presumption in favor of validity where an order appears authentic on its face.

(2) For a foreign protection order to be valid in this state, the respondent must have been given reasonable notice and the opportunity to be heard before the order of the foreign state, tribe or territory was issued; provided, in the case of ex parte orders, notice and opportunity to be heard must have been given as soon as possible after the order was issued, consistent with due process.

(3) Failure to provide reasonable notice and the opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order.

(c) A petitioner may present a certified copy of a foreign order of protection to a court having jurisdiction of orders of protection in the county in which the petitioner believes enforcement may be necessary. The clerk of such court shall receive the certified copies of any foreign order of protection and any supporting documents used to show the validity of such order and shall maintain such orders, along with any submitted documents. No costs, fees or taxes shall be charged by the clerks for this service. If an enforcement action is

instituted in the court pursuant to any such order, the clerk shall file the order and shall otherwise treat the enforcement action as a case, except that all court costs, fees and litigation taxes shall be taxed by the judge at the adjudication of the enforcement action. It shall be a defense to any action taken for the enforcement of such order that the order is not valid as provided in (b) or (d) hereof. No person shall present a foreign order of protection to a clerk which the person knows to no longer be in effect. A foreign order of protection shall continue in effect for the period of time specified in the order, and, if no time limitation is so specified, then the order shall continue in effect for a period of one (1) year from the date on which it is first presented to a Tennessee court pursuant to subsection (c); provided, however, a continuation of any such order may be granted by the court subject to the requirements set forth in Section 36-3-605.

(d) A protection order entered against both the petitioner and respondent shall not be enforceable against the petitioner in a foreign jurisdiction unless:

(1) the respondent filed a cross-or counter-petition, or a complaint or other written pleading was filed seeking such a protection order; and

(2) the issuing court made specific findings of domestic or family violence against the petitioner.

(e) The clerk shall be under no obligation to make a determination as to the validity of such orders or documentation but shall forward a copy of the foreign protection order and any supporting documentation filed with the order to the local police or sheriff's office which shall enter foreign orders of protection in the Tennessee criminal information system as provided for in Tennessee Code Annotated, Section 36-3-609.

(f) The state of Tennessee orders of protection file (the Tennessee criminal information system) shall be available at all times to inform courts, dispatchers and law enforcement officers of any protection order issued within this state or filed as a foreign order for purpose of enforcement in this state.

(g) Upon request the clerk shall provide a copy of the order to the person offering the same showing proof of receipt by the clerk's office.

(h) Filing and entry of the foreign order in the Tennessee criminal information system shall not be prerequisites for enforcement of the foreign protection order.

(i) Regardless of whether a foreign order of protection has been filed in this state pursuant to this section, a law enforcement officer may rely upon a copy of any such protection order which has been provided to the officer by any source and may also rely upon the statement of any person protected by a foreign order that the order remains in effect. A law enforcement officer acting in good faith shall be immune from civil and criminal liability in any action in connection with a court's finding that the foreign order was for any reason not enforceable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **Senate Bill No. 529**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 622** -- Hazardous Materials - Requires community impact statements prior to issuance of permit for hazardous waste storage, treatment or disposal facility Amends TCA Title 68, Chapter 212, Part 1. by *DeBerry L, *Bowers, *Langster. (SB1497 by *Crutchfield, *Gilbert, *Dixon, *Harper, *Rochelle, *Herron)

Senate Amendment No. 1

AMEND House Bill No. 622 by deleting all language after the enacting clause and by substituting instead the following:

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Section 1. Tennessee Code Annotated, Section 68-212-108, is amended by adding the following new subsection to be appropriately designated:

() Before submitting to the department the Part B permit application for a new hazardous waste treatment storage or disposal facility permit or for a permit renewal, the applicant shall hold at least one (1) meeting with the public in order to inform the community of proposed hazardous waste management activities and to solicit questions from the community. The applicant shall submit a summary of the meeting and copies of any written comments or materials submitted at the meeting to the department as a part of the permit application. The applicant must provide public notice of the preapplication community meeting at least thirty (30) days prior to the meeting. Public notice shall include, but shall not be limited to, a visible and accessible sign at or near the facility announcing the date, time and location of the meeting, and other information as required by the department.

At the preapplication community meeting the applicant must provide a community impact statement which shall also be maintained in the facility file. The community impact statement shall include the following:

- (1) a description of the facility (including a scale drawing or photograph of the facility) and the proposed hazardous waste management activities;
- (2) a description of security procedures at the facility;
- (3) information on hazard prevention and preparedness, including a summary of the contingency plan and arrangements with local emergency authorities;
- (4) a description of procedures, structures or equipment used to prevent employee exposure, hazards during unloading, runoff from handling areas and contamination of water supplies;
- (5) a description of traffic patterns, traffic volume and control, condition of access roads, and the adequacy of traffic control signals; and
- (6) a description of the facility location information relative to compliance with flood plain requirements and with respect to any commercial applicant, seismic requirements.

Section 2. Tennessee Code Annotated, Section 68-212-108(a)(2), is amended by adding the following language:

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Provided, further, that the commissioner shall not waive the requirement that a community impact statement be filed.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. L. DeBerry moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 622**, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 810 -- Administrative Procedure - Makes complainant liable for attorney fees and costs in ouster suit if complaint or petition is withdrawn or found to be without merit. Amends TCA Section 8-47-122. by *Beavers, *Eckles, *Hood, *Head. (*SB1052 by *Womack)

Senate Amendment No. 1

AMEND House Bill No. 810 by deleting the amendatory language of subsection (b) of Section 1 of the printed bill and by substituting instead the following:

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of law to the contrary, the complainant may be cast for costs and attorney's fees pursuant to Rule 11 of the Tennessee Rules of Civil Procedure, if the complaint or petition is withdrawn or if the court finds the charges alleged to be without merit.

Rep. Beavers moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 810**, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1106 -- Health - Authorizes home care organizations to require person applying for employment or as volunteer to provide criminal history records or fingerprint samples, to be checked by TBI. Amends TCA Section 38-6-114 and Title 68, Chapter 11, Part 2. by *McAfee. (*SB1537 by *Crutchfield)

Senate Amendment No. 1

AMEND House Bill No. 1106 in the amendatory language of Section 2 by deleting the punctuation "." at the end of the amendatory language and by adding the following language:

"and shall release such information to the organization which requested it in a timely manner."

Rep. McAfee moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1106**, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1165 -- Regional Authorities - Removes requirement that port authority board of commissioners be residents of municipality. Amends TCA Section 7-87-105. by *Chumney. (*SB602 by *Kyle, *Person, *Ford J, *Dixon, *Leatherwood)

Senate Amendment No. 1

AMEND House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ___. Tennessee Code Annotated, Section 7-87-105(d), is amended by deleting the word "nonresidency":

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1165**, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1848; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 7, 1997:

House Bill No. 1848: by Rep. Stulce

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 90: Rep(s). Boner as prime sponsor(s).

House Bill No. 254: Rep(s). Bone as first prime sponsor(s).

House Bill No. 460: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 536: Rep(s). Boner as prime sponsor(s).

House Bill No. 988: Rep(s). Walley as prime sponsor(s).

House Bill No. 1124: Rep(s). Eckles as prime sponsor(s).

House Bill No. 1280: Rep(s). Dunn as prime sponsor(s).

House Bill No. 1401: Rep(s). Arriola as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Phillips was/were removed as sponsor(s) of **House Bill No. 254**.

ENROLLED BILLS

May 5, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1159 and 1901.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 5, 1997

The Speaker signed the following: House Bill(s) No(s). 1159 and 1901.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MONDAY, MAY 5, 1997 -- THIRTY EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 179, 405, 414, 643, 770, 1531, 1661, 1764, 1766 and 1831; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 228, 280, 421, 1063, 1730, 1978, 1983 and 1984; also, House Joint Resolution(s) No(s). 203, 205, 206, 208, 209, 210, 218 and 224; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 5, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 228, 280, 421, 1063, 1730, 1978, 1983 and 1984; also, House Joint Resolution(s) No(s). 203, 205, 206, 208, 209, 210, 218 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 227, 238 and 240; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 24, 90, 115, 168 and 220; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 555; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 5, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1218, 1264, 1337, 1345, 1523, 1634, 1652, 1721, 1740, 1932, 1961, 1987, 1988 and 1989, also, House Joint Resolution(s) No(s) 84, 169 and 239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 230; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 629, 702, 1561 and 1635; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 629** -- Insurance, Health, Accident - Requires disclosure to patients by health care providers of financial contracts and arrangements between provider and health care plan, including reporting bonuses or other incentives to reward provider for reducing or limiting range and amount of services rendered. Amends TCA Title 56; Title 63; Title 68 and Title 71. by *Person.

***Senate Bill No. 702** -- Motor Vehicles, Titling and Registration - Requires registration plates to specify county of issue or county of residence of vehicle owner. Amends TCA Title 4; Title 55, Chapters 3 and 4. by *McNally.

***Senate Bill No. 1561** -- District Attorneys - Revises quantity of funded positions in several judicial districts. Amends TCA Section 16-2-506. by *Crutchfield, *McNally, *Rochelle.

***Senate Bill No. 1635** -- Sports - Permits mayor rather than council to appoint sports authority members in certain municipalities; establishes sales tax allocation for AA or higher baseball affiliate to finance project of sports authority Amends TCA Title 7, Chapter 67 and Section 67-6-103. by *Carter.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, May 7, 1997.